

**Facsimile Transmittal Sheet**

DATE • March 23, 2005

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME • Attn.: K. Tinkney

FIRM •

PHONE • (703) 305-0333 x144

FAX • (703) 308-6642

CLIENT / MATTER • 09792909-4995

FROM • David Rozenblat

TOTAL NUMBER OF PAGES TRANSMITTED, INCLUDING THIS SHEET: 3

MESSAGE •

RE: Serial No. 09/837,847

Per your request, attached please find a courtesy copy of the Declaration and Power of Attorney, in reference to the above-mentioned patent application.

Sincerely,

David Rozenblat  
(312) 876-3427

Original will NOT be mailed

**CONFIDENTIALITY NOTE**

The documents accompanying this facsimile transmission and the Facsimile Transmission Sheet contain information from the law firm of Sonnenschein Nath & Rosenthal LLP which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this facsimiled information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES ABOVE, PLEASE CALL 312.876.8101 AS SOON AS POSSIBLE.

SN&amp;R FACSIMILE DEPARTMENT USE ONLY:

TRANSMISSION COMPLETED AT:

DOCUMENT TRANSMITTED BY:

8000 Sears Tower  
Chicago, IL 60606  
312.876.8000  
312.876.7934 fax  
www.sonnenschein.com

Chicago  
Kansas City  
Los Angeles  
New York  
San Francisco  
Short Hills, NJ  
St. Louis  
Washington, D.C.  
West Palm Beach

20 + 4

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"NONAQUEOUS ELECTROLYTE SECONDARY BATTERY"**

Case No, 09792909-4995, the specification of which

(check  
one) X is attached hereto  
was filed on April 18, 2001, as  
Application Serial No. 09/837,847  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations. 1.56<sup>1</sup>

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below:

Prior Foreign Application(s)

Number	Country	Date
P2000-122417	Japan	April 18, 2000
P2000-333571	Japan	October 31, 2000

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

<sup>1</sup> (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the application takes in:

(i) opposing an argument of unpatentability relied on by the Office, or

(ii) asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden of proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

3 of 4

Prior Foreign Application(s)

Number

Country

Date

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s)

Number

Country

Date

I hereby appoint the following attorneys, Kevin W. Guynn (No. 29,927), David R. Metzger (Reg. 32,919), Janelle D. Strode (Reg. 34,738), Michael L. Kiklis (Reg. 38,939), Jordan A. Sigale (Reg. 39,028), Jeffrey W. Wheeler (Reg. 39,066), Michael A. Molano (Reg. 39,777), Jennifer H. Hammond (Reg. 41,814), Marina N. Saito (Reg. 42,121), Lana M. Knedlik (Reg. 42,748), Alison P. Schwartz (Reg. 43,863), Christopher P. Rauch (Reg. 45,034), Francisco A. Rubio-Campos (Reg. 45,358), Gregory B. Gulliver (Reg. 44,138) and Brian J. Gill (Reg. P46,727); of the firm of Sonnenschein, Nath & Rosenthal, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to::

## SONNENSCHN NATH &amp; ROSENTHAL

80<sup>th</sup> Floor - Sears Tower

233 S. Wacker Drive, Chicago, IL 60606

Telephone 312/876-8000

Facsimile 312/876-3974

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor TAKAO NIRASAWA

Inventor's signature

Takao NirasawaDate July 25, 2001

Residence

Fukushima, Japan

Citizenship

Japan

Post Office Address

c/o Sony Fukushima Corporation, 1-1, Aza-Shimosugishita, Takakura,  
Hiwada-cho, Koriyama-shi, Fukushima, JapanFull name of second inventor HIDETOSHI ITO

Inventor's signature

Hidetoshi ItoDate July 30, 2001

Residence

Miyagi, Japan

Citizenship

Japan

Post Office Address

c/o Sony Corporation, 7-35, Kitashinagawa 6-chome  
Shinagawa-ku, Tokyo 141, JapanFull name of third inventor ATSUO OMARU

Inventor's signature

Atsuo OmaruDate July 25, 2001

Residence

Fukushima, Japan

Citizenship

Japan

Post Office Address

c/o Sony Fukushima Corporation, 1-1, Aza-Shimosugishita, Takakura,  
Hiwada-cho, Koriyama-shi, Fukushima, Japan